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MEMO ENDORSED

June 26, 2023

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 618
New York, New York 10007

Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)

Dear Judge Failla:

We represent Defendant Capital One, National Association (“Capital One”) in the above-captioned matter. Pursuant to Your Honor’s Individual Rules 9(B)(i) and 9(C)(i), Capital One respectfully submits this letter regarding the sealed treatment of Capital One’s Memorandum of Law in Support of its Motion for Partial Summary Judgment and attached exhibits, as well as its Civil Rule 56.1 Statement of Undisputed Facts, which are being filed under seal and on the public docket in redacted form today.

The contract at issue contains a confidentiality provision that prohibits the parties from disclosing the terms of the contract, which are discussed in the Memorandum of Law in Support of Defendant’s Motion for Partial Summary Judgment, attached exhibits, and Civil Rule 56.1 Statement of Undisputed Facts. Capital One therefore respectfully requests the Court’s permission to redact portions of the above-referenced documents, and to file the unredacted documents under seal.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

The Court is in receipt of Defendants' above request to seal certain portions of its opening summary judgment briefing as well as a similar request from Plaintiffs. (Dkt. #81). Both applications are GRANTED.

The Clerk of Court is directed to maintain docket entries 85, 87, 89, 93, 95, and 97 under seal, viewable only to the parties and the Court. The Clerk of Court is further directed to terminate the motions at docket entries 81 and 90.

Dated: June 27, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE